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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,241	11/17/2003	Terri P. Cleveland	89843.125003	5002
23469	7590	11/15/2006	EXAMINER	
JAECKLE FLEISCHMANN & MUGEL, LLP 190 Linden Oaks ROCHESTER, NY 14625-2812			AYRES, TIMOTHY MICHAEL	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/715,241	<b>Applicant(s)</b> CLEVELAND ET AL.	
	<b>Examiner</b> Timothy M. Ayres	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006 and 16 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,4-18 and 30-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-18 and 30-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

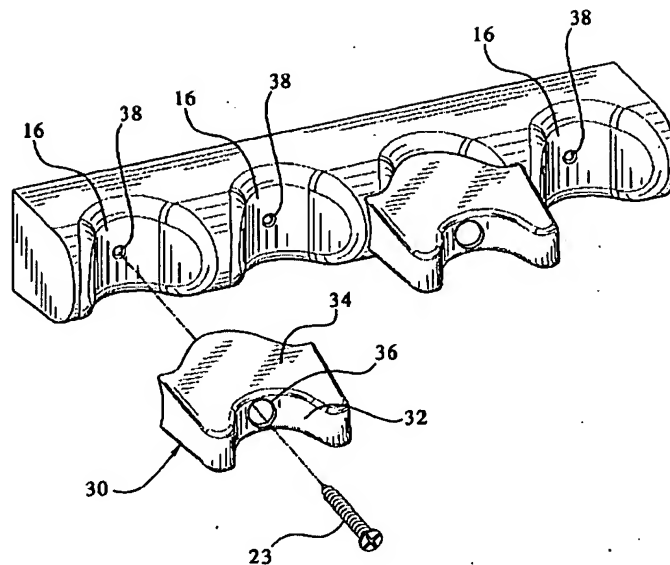
1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/15/06 has been entered.

***Claim Rejections - 35 USC § 102***

2. Claims 1, 9-11, 13, 18, and 30-34 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6,076,904 to Shepherd. Shepherd teaches a cabinet (20) which is considered a safe and has a plurality of walls defining an interior compartment. Mounted on the rear wall (24) is a bracket (48) that has a first leg (58) offset from a second leg (64) via a transition member (62) making it z-shaped. A barrel receiving cradle (68) includes a clip (86,66) is mounted on the rear wall (70) and creates a gap to receive the second leg (64) of the bracket. The cradle (68) is considered capable of receiving a barrel of a gun. The legs (58, 64), the rear wall (70), and the clip (86) are all parallel. As seen in figure 6, the barrel-receiving module includes two clips (90) side by side, one is considered to be the secondary clip.

***Claim Rejections - 35 USC § 103***

3. Claims 1, 4, 5, 9-11, 18, and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,415,932 to Fiscus in view of US Patent 6,076,904 to Shepherd. Fiscus '932 teaches a gun barrel module (10) with barrel receiving cradle (16). An extension module (30) has a coupling end that is received in the barrel-receiving cradle (16) and secured using a screw (23). The gun barrel module (10) is attached to a wall (25) via screws (23) as seen in figure 2. Fiscus does not expressly disclose a groove formed between the bracket and the wall and the clip configured to be positioned in the groove and against a safe wall. Shepherd teaches a cabinet (20) which is considered a safe and has a plurality of walls defining an interior compartment. Mounted on the rear wall (24) is a bracket (48) that has a first leg (58) offset from a second leg (64) via a transition member (62) making it z-shaped. A barrel receiving cradle (68) includes a clip (86,66) is mounted on the rear wall (70) and creates a gap to receive the second leg (64) of the bracket. The cradle (68) is considered capable of receiving a barrel of a gun. The legs (58, 64), the rear wall (70), and the clip (86) are all parallel. As seen in figure 6, the barrel-receiving module includes two clips (90) side by side, one is considered to be the secondary clip. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the gun rack of Fiscus by using the bracket, clip structure and cabinet of Shepherd to allow the barrel receiving modules to be removably attached and moved along to allow different configurations (Shepherd '904, Col. 1, lines 18-29; abstract, lines 14-16).

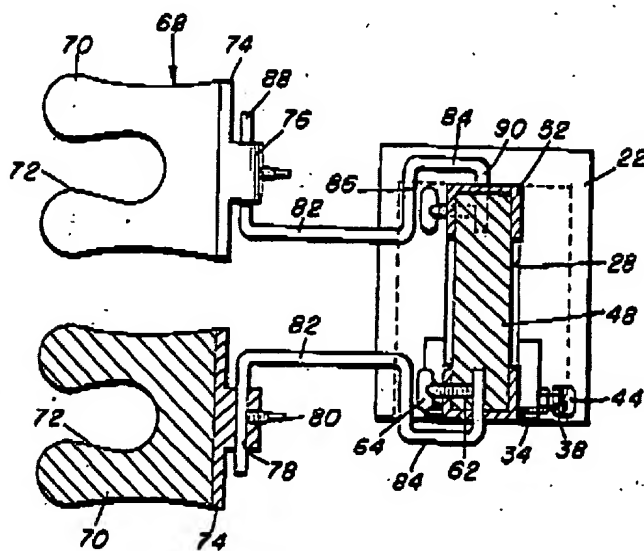


Fiscus '932 Figure 4

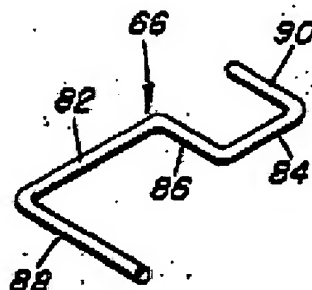
4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,415,932 to Fiscus in view of US Patent 6,076,904 to Shepherd as applied to claims 1, 4, 5, 9-11, 18; and 30-34 above, and further in view of US Patent 2,783,896 to Agostini. Fiscus in view of Shepherd does not expressly disclose an extension module with extension clips. Agostini '896 discloses a gun rack (10) with a bracket (48). A barrel-receiving module (68) has a barrel-receiving cradle (72). A plate (74) with a clip (76) extends from the rear wall of the barrel-receiving module. A bore (78) is in the clip (76), which allows an extension module (66) to be movably received and thereby allowing the barrel-receiving module (68) to be movably mounted to the bracket (48) since the extension module (66) is movably mounted to the bracket (48). The extension module (66) includes a first side (82) with a first extension clip (88) extending therefrom and a second side (84) with a second extension clip (90) extending therefrom. The first

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and second extension clips (90,88) are parallel and in opposite directions as seen in figure 2. Please note that the examiner considers a clip to be any device that grips or clasps, which the bores (58,78) do to the rod shape of the extension module with the help of set screws (80,64). Also, it should be noted that the bracket (48) is capable of being adapted on an interior surface of a safe (floor). At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the rack of Fiscus in view of Shepherd by adding the extension clip of Agostini to allow for adjustment of the barrel receiving module.



Agostini '896 Figure 3

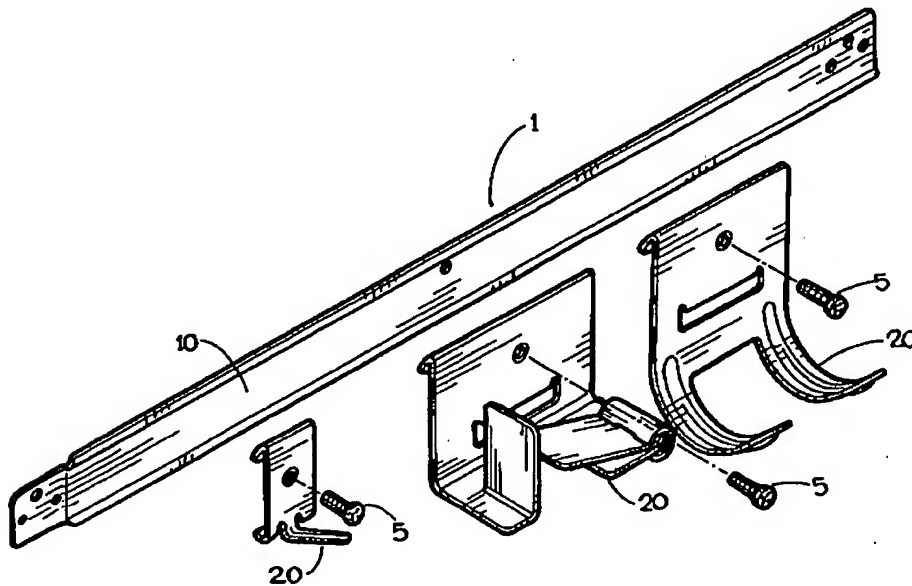


Agostini '896 Figure 2

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,076,904 to Shepherd in view of US Patent 5,687,856 to Kendrena. Shepherd discloses every element as claimed and discussed above except the barrel-receiving module being L-shaped. Kendrena '856 discloses a tool rack with a bracket (10) that

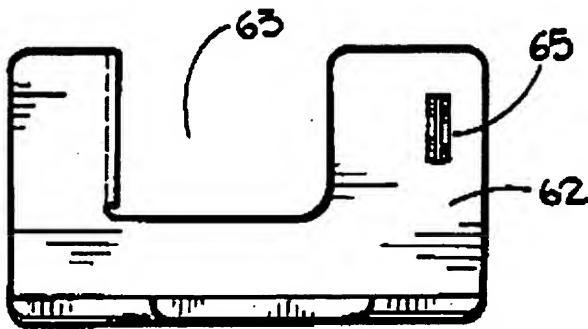
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receives a barrel-receiving module (20,60). The bracket (10) receives the barrel receiving module (20,60) in a groove formed between the bracket (10) and the wall as seen in figure 2. The barrel-receiving module (60) has a barrel-receiving cradle (63). The barrel-receiving module (60) is L-shaped as best seen in figure 6c.

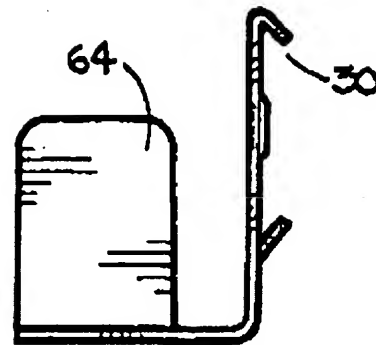


Kendrena '856 Figure 1

6. The examiner considers the tool rack of Kendrena to be capable of holding barrels of guns since it is disclosed as holding tool handles (99) and tool handles (99) have the same shape as the barrel of a gun. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the cabinet of Shepard by replacing the barrel receiving module with one as taught by Kendrena to provide a system which is fully adjustable so as to removably secure a wide variety of implement sizes (gun barrels or tools).



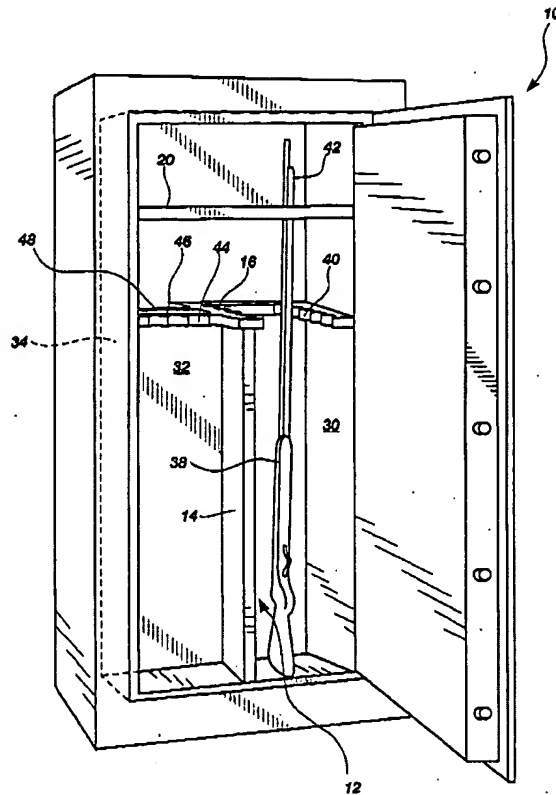
Kendrena '856 Figure 6b



Kendrena '856 Figure 6a

7. Claims 1, 4, 5, 9-13, 18, and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,042,207 to Crosby in view of US Patent 6,415,932 to Fiscus and US Patent 6,076,904 to Shepherd. Crosby '207 discloses a configurable safe (10) that stores firearms (42). The safe has a shelving system (20,22,24,26,28) that can be removed for access to a gun rack (16). The interior of the safe has three interior walls (30,32,34) and a door as shown in figures 1 and 2. The gun rack has barrel-receiving cradles (40,44,46) including one in the corner as best seen in figure 3.





Crosby '207 Figure 2

8. Crosby '207 does not expressly disclose a bracket receiving a clip of a barrel-receiving module with a barrel-receiving cradle, a groove formed between the bracket and the wall and the clip configured to be positioned in the groove and against the wall, the clip extending from and parallel to a rear wall of the barrel-receiving module, and the bracket including first and second legs parallel and offset from each other with a transition member between. Fiscus '932 teaches a gun barrel module (10) with barrel receiving cradle (16). An extension module (30) has a coupling end that is received in the barrel-receiving cradle (16) and secured using a screw (23). The gun barrel module (10) is attached to a wall (25) via screws (23) as seen in figure 2. At the time of the

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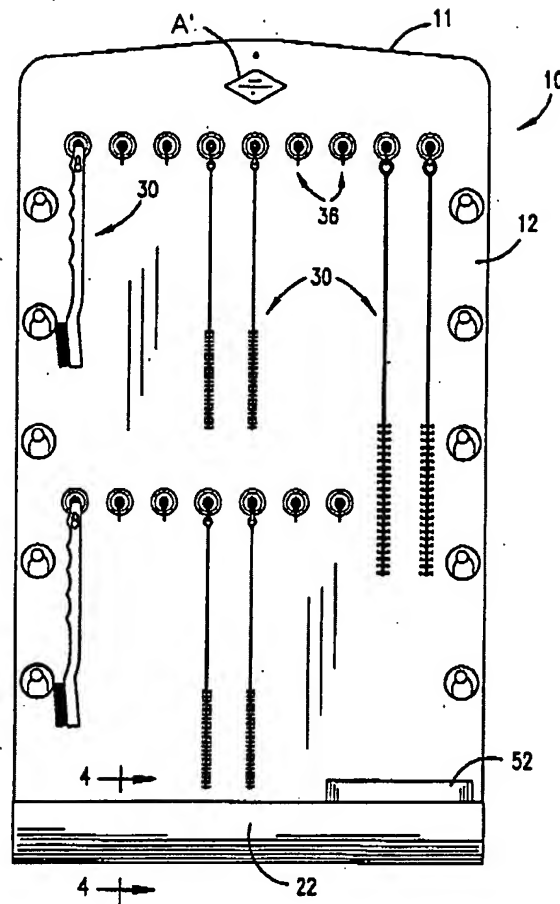
invention it would have been obvious for a person of ordinary skill in the art to take the safe of Crosby and modify it to receive the bracket and barrel receiving module of Fiscus on at least one interior wall by removing part of the existing rack of Crosby so that the interior can be arranged/changed to receive scoped and non-scoped guns.

9. Crosby in view of Fiscus does not expressly disclose a groove formed between the bracket and the wall and the clip configured to be positioned in the groove and against the wall.

10. Shepherd teaches a cabinet (20) which is considered a safe and has a plurality of walls defining an interior compartment. Mounted on the rear wall (24) is a bracket (48) that has a first leg (58) offset from a second leg (64) via a transition member (62) making it z-shaped. A barrel receiving cradle (68) includes a clip (86,66) is mounted on the rear wall (70) and creates a gap to receive the second leg (64) of the bracket. The cradle (68) is considered capable of receiving a barrel of a gun. The legs (58, 64), the rear wall (70), and the clip (86) are all parallel. As seen in figure 6, the barrel-receiving module includes two clips (90) side by side, one is considered to be the secondary clip. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the safe of Crosby in view of Fiscus by using the bracket and clip structure of Shepherd to allow the barrel receiving modules to be attached without removing the bracket or affecting any other barrel receiving modules to allow for different configurations (Shepherd '904, Col. 1, lines 18-29; abstract, lines 14-16).

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11. Claim 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,042,207 to Crosby in view of US Patent 6,415,932 to Fiscus and US Patent 6,076,904 to Shepherd as applied to claims 1, 4, 5, 9-13, 18, and 30-34 above, and further in view of US Patent 5,921,407 to Kabanek. Crosby modified by Fiscus and Shepherd discloses every element as claimed and discussed above except the internal surface of the door have knobs, a lip for further supporting articles, and a name plate and hook panel with hooks on it. Kabanek '407 discloses a panel (12) with a lip (13, 20). Hooks (36) are attached to the panel (12) and as best understood a nameplate (A') is located near the top of the panel (12). The examiner considers that the hooks (36) are capable of holding a bungee cord and some can be used as such and in combination with the lip to support articles and while the others are the series of hooks as recited in claim 15. The hooks are also functionally equivalent to knobs. At the time of the invention it would have been obvious for a person of ordinary skill to mount the panel of Kabanek to the door of Crosby modified by Fiscus and Shepherd so that the door can have hooks with a pleasant appearance while allowing for articles to be easily picked out and replaced (Kabanek '407, Col. 1, lines 34-42). The bungee cord and the articles held by it are not part of the claim and not given patentable weight. Note: It is also obvious to combine a nameplate with hooks as is done in the majority of young children's classrooms for coat racks.

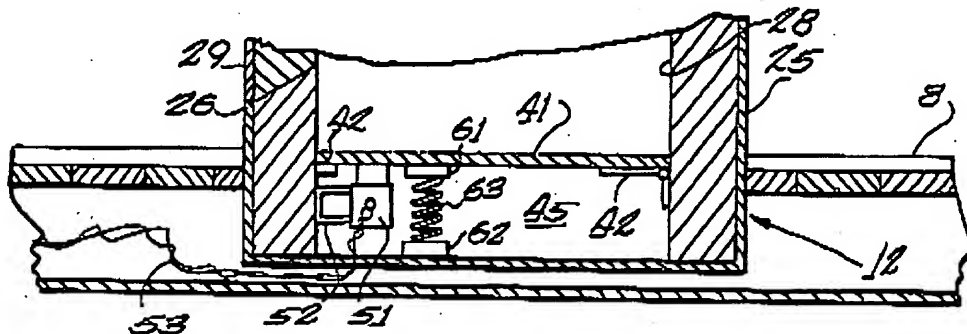


Kabanek '407 Figure 2

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,042,207 to Crosby in view of US Patent 6,415,932 to Fiscus and US Patent 6,076,904 to Shepherd as applied to claims 1, 4, 5, 9-13, 18, and 30-34 above, and further in view of US Patent 3,899,983 to Hernandez. Crosby in view of Fiscus and Shepherd discloses every element as claimed and discussed above except a bottom storage compartment including a removable panel. Hernandez '983 teaches a safe (11,12) with a concealed compartment (45) in the bottom that is covered by a panel (41). At the time of the invention it would have been obvious for a person of ordinary

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skill in the art to take the bracket of Fiscus in view of Shepherd and to put it in the safe of Hernandez so that a hidden and unnoticeable concealed compartment can be used to keep valuables extra safe while have a rack for tools (Hernandez '983, Col. 1, lines 33-44).



Hernandez '983 Figure 4

### ***Response to Arguments***

13. Applicant's arguments with respect to claim 1 with the Bauer reference have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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